

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

ANGELA NAILS,

Plaintiff,

No. 3:15-cv-1034-JE

v.

STEVEN C. BURKE,

ORDER

Defendant.

HERNÁNDEZ, District Judge:

Magistrate Judge Jelderks issued a Findings and Recommendation [9] on August 18, 2015, in which he recommends that this Court grant Plaintiff's application to proceed *in forma pauperis* [1], deny Plaintiff's motion for *pro bono* counsel [4], and dismiss Plaintiff's complaint [2]. The matter is now before me pursuant to 28 U.S.C. § 636(b)(1)(B) and Federal Rule of Civil Procedure 72(b).

Because no objections to the Magistrate Judge's Findings and Recommendation were timely filed, I am relieved of my obligation to review the record *de novo*. United States v. Reyna-Tapia, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc); see also United States v. Bernhardt,


840 F.2d 1441, 1444 (9th Cir. 1988) (*de novo* review required only for portions of Magistrate Judge's report to which objections have been made). Having reviewed the legal principles *de novo*, I find no error.

CONCLUSION

The Court ADOPTS Magistrate Judge Jelderk's Findings & Recommendation [9], and therefore, Plaintiff's application to proceed *in forma pauperis* [1] is granted, Plaintiff's motion for *pro bono* counsel [4] is denied, and Plaintiff's complaint [2] is dismissed. Plaintiff is given 30 days to file an amended complaint curing the defects described in the Findings & Recommendation if she wishes to proceed in this action. If Plaintiff fails to file such an amended complaint, the case will be dismissed with prejudice.

IT IS SO ORDERED.

DATED this 17 day of September, 2015.



MARCO A. HERNÁNDEZ
United States District Judge